

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CIVIL ACTION NO. 2:05cv412-F
)	WO
ANTONIO ARNEZ EASTERLY)	

ORDER

On May 3, 2005, Antonio Arnez Easterly, through counsel, filed a *motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255* (Doc. 1) in which he challenges his 1997 convictions and the sentence imposed upon him for armed bank robbery and carrying a firearm during and in relation to a crime of violence. Upon review of Easterly's motion, the undersigned concludes that a limited response from the government is necessary at this time. Accordingly, the CLERK is hereby DIRECTED to serve a copy of Easterly's § 2255 motion upon the United States Attorney for the Middle District of Alabama. The United States Attorney is

ORDERED to file a response to Easterly's motion within thirty (30) days from the date of this order addressing the following matters:

1. Easterly's claim that he is actually innocent of the crimes for which he was convicted.
2. The applicability of the one-year period of limitation in this case pursuant to the provisions contained in 28 U.S.C. § 2255.

The government is advised that its response should contain a detailed procedural history, all relevant records, and citations to applicable case law necessary for the court to

assess Easterly's claim of actual innocence and to determine the applicability of the limitation period contained in 28 U.S.C. § 2255. Should the government's response to the instant order indicate that this case must proceed on the merits, the government will be given an adequate opportunity to file a response addressing all claims presented in Easterly's § 2255 motion.

Done this 23rd day of May, 2005.

/s/Charles S. Coody
CHARLES S. COODY
CHIEF UNITED STATES MAGISTRATE JUDGE